

## **Woodstock Zoning Board of Appeals - Minutes**

**Tuesday, January 28, 2014**

**Public Hearing – 7:00 p.m.**

**Town of Woodstock Town Hall, Lower Level, Meeting Room B**

### **I. Public Hearing**

- a. Call to Order – Meeting was called to order by Chairman Martin Nieski at 7:00 p.m.
- b. Roll Call – Martin Nieski, William Brower, Ken Ebbitt, Robert Laurens, Suzanne Woodward, and Tina Lajoie (ZBA Clerk)  
Others present: Joseph Carlone, Sr., Joseph Carlone, Jr., Stephen Adams, John McGovern

#### **c. 14-01 Linemaster Switch Corporation, 29 Plaine Hill Road (Map 5781, Block 51, Lot 01-A) – relief from Article IV, Section E. Non-residential Uses 2., Standards, ii and iii – (maximum size of permitted non-residential buildings).**

No additional comments or further information to submit for the record. Legal advertisement was read for the record.

**MOTION TO CLOSE THE PUBLIC HEARING ON 14-01 BY SUZANNE WOODWARD, SECONDED BY ROBERT LAURENS. MOTION CARRIED UNANIMOUSLY.**

#### **d. 14-02 Stephen J. Adams, 85 Loyola Rd, (Map 6393, Block 65, Lot 147) – relief from Article IV, B.1. vi. a & b (front and side setbacks) and Article IV, B.2. a. ii (Accessory apartment) and Article IV, B.2. a.v. (septic setback).**

William Brower has recused himself from acting on this application. Stephen Adams is present. Return receipt cards are given for the file. Notification to the DPH was provided but not sent within the required 7 days and therefore the applicant has requested the public hearing remain open. As described in the application narrative, this property was purchased over ten years ago by Mr. Adams with an existing home which is shown on the plan. The vacant house collapsed and a demolition permit was granted on March 23, 2011 to remove what was left. The foundation was kept in place recognizing he would have a right to rebuild under the regulations. A permit was granted by NDDH back in September of 2004 for a septic repair and IWWA granted approval originally in 2003, and gave an extension in 2008 for the septic repair and retaining wall. This application includes the construction for a single level home with the front yard setback being 20 feet (Zoning regulations now require 75 feet effective Aug 2013), left and right side being 10 feet (Zoning regulations require 20 feet), and the septic system being proposed is 11.3 from the property line on the right side (Zoning regulations require 20 feet), and also for an accessory apartment. NDDH had determined that the plan met the requirements or the technical standards for a five bedroom house back in 2004 and Mr. Adams is requesting that this NDDH approval stand. Mr. Adams states he received the memo prepared by Delia Fey, ZEO and he is disputing her assessment regarding the accessory apartment. Mr. Adam's claim is that when the property was purchased in December of 2002, it consisted of the principal residence on the main level, and a secondary residence on the lower level that was accessed via a stairwell from the main level at the front of the dwelling and via a walk-out in the rear. There were separate electric meters, service panels, heating systems, kitchens and bathrooms in each dwelling unit. He provides color photos that were taken after the collapse but prior to the demolition to support his claim that it existed. The pictures are of different meters, service panels (one upstairs and one downstairs), water heater, kitchen unit, and upstairs that had fallen in. He claims that CL&P recognized as two separate units. Mr. Adams states that he is not asking for a duplex or a two-family dwelling but only to maintain the ability to have an accessory apartment on the lower level (accessory apartments are limited in size, not to exceed 33 percent of the gross finished floor area of the primary residence in size.) Delia Fey's opinion is that there is no proof in the building or assessor's records to consider this a grandfathered use. Mr. Adams states

that Terry Bellman could verify its existence since he had been out to the house many years ago however he did admit that there may not have been any permits taken out for this work. Mr. Adams states on the record, as an Officer of the Court, and is willing to take an oath to his claim of there being two separate units and it was never his intention to abandon that use. His goal at this point is to possibly use this apartment for elderly family members or a place for his children. He does not intend on renting it out.

Public Comment:

- John McGovern, 74 Loyola Road – He states that he is not an abutting property owner but on behalf of the Glaude's who are in Florida, they should be aware of the proposed septic system. He shares the same concerns, the fact that there is no reserve septic since the original approval is only for a repair. He also has concerns with allowing an apartment.

The Board verified that the Glaude's did receive their certified letter and the green card is in the file. Mr. Adams also stated he tried to notify them in person but no one was home. Ms. Lajoie states she received a phone call from the Glaude's and they had planned to send over their comments via email but nothing received as of yet. They were aware of the public hearing and application specifics. There are additional questions from the board regarding the history of the property that is explained by Mr. Adams. The original footprint appears to be about 1848 square feet. Applicant would prefer to have a ranch style home instead of a two story. His concluding statement is that he could rebuild on the existing footprint but he would prefer this proposal. The public hearing will reconvene on February 25, 2014.

II. **Monthly Meeting**

III. **Designation of alternates - None**

IV. **Review of minutes – January 14, 2014**

**MOTION BY SUZANNE WOODWARD TO APPROVE AS WRITTEN, SECONDED BY WILLIAM BROWER. MOTION CARRIED UNANIMOUSLY.**

V. **Unfinished Business**

**14-01 Linemaster Switch Corporation, 29 Plaine Hill Road (Map 5781, Block 51, Lot 01-A) – relief from Article IV, Section E. Non-residential Uses 2, Standards, ii and iii – (maximum size of permitted non-residential buildings).**

**MOTION BY WILLIAM BROWER TO GRANT THE VARIANCE TO LINEMASTER SWITCH, SECONDED BY ROBERT LAURENS. DISCUSSION: (ARTICLE IV, SECTION E. NON-RESIDENTIAL USES 2, STANDARDS, II AND III). HARDSHIP PRESENTED: VERY LARGE LOT CONTAINING THESE NON-RESIDENTIAL USES PRIOR TO ZONING AND THE CURRENT REGULATIONS DID NOT TAKE THIS SCENARIO INTO CONSIDERATION WITH THE REWRITE. ZBA BELIEVES THIS PROPOSAL IS A GOOD USE OF THE PROPERTY. MOTION CARRIED UNANIMOUSLY.**

VI. **New Business – None**

VII. **Organizational Meeting**

**a. The following were nominated at the last meeting for the Election of Officers: Martin Nieski, Chairman; William Brower, Vice Chairman; and Suzanne Woodward, Secretary. MOTION TO ACCEPT THE NOMINATIONS BY SUZANNE WOODWARD, SECONDED BY KEN EBBITT.**

**b. Review of bylaws – Bylaws were reviewed and discussed in detail.**

**MOTION BY SUZANNE WOODWARD TO APPOINT MR. KEN EBBITT AS A FULL BOARD MEMBER FROM HIS ALTERNATE POSITION, SECONDED BY WILLIAM BROWER. MOTION CARRIED UNANIMOUSLY.**

- ZBA would like to make a formal request to the Board of Selectman to solicit additional members as alternates, currently three vacancies.
- Section 2 is confusing and will be researched by Ms. Lajoie to clarify before the next meeting.
- Typo: Page 6, amend “hanged” to “changed” under Article XIII.
- Typo: Page 5, amend “comments to “comment” under Section 6.

**VIII. Other**

**1. Legal Training with PZC is on March 27, 2014 with Attorney DeCrescenzo**

**IX. Correspondence & Bills**

**X. Citizen’s Comments - None**

**XI. Adjournment – 8:26 p.m.**

**MOTION TO ADJOURN BY ROBERT LAURENS, SECONDED BY WILLIAM BROWER. MOTION CARRIED UNANIMOUSLY.**

Respectfully Submitted,

Tina M. Lajoie, Clerk  
Zoning Board of Appeals